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ABSTRACT

This report focuses attention on the quantity and timeliness of adoptions in the state. The report begins with an overview of current adoption practices and procedures in Maryland. A series of 54 recommendations follows. The recommendations are based on the following issues: (1) legal barriers to adoption; (2) barriers in local departments of social services and in the state which prevent children from being freed and placed for adoption; (3) recruitment of families for special needs children; (4) the Maryland Adoption Resource Exchange and National Exchange Resources for Placing Special Needs Children; (5) purchase of service; (6) transracial adoptions; and (7) post-placement and post-legalization services. In addition, an executive summary of the full report is included as an appendix. (RJC)

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Growing Up ALONE

Children Waiting for Families

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Governor's Task Force to Study Adoption Procedures in Maryland 1987

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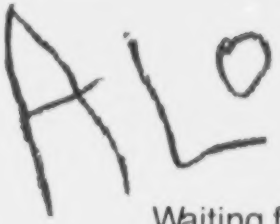

Children
Waiting for Families

Governor's Task Force to Study Adoption Procedures in Maryland 1987

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April 16, 1987

The Honorable William Donald Schaefer
Governor
State of Maryland
State House
Annapolis, MD 21401

Dear Governor Schaefer:

Enclosed is the Report of the Task Force to Study Adoption Procedures. The Report is a comprehensive review of the barriers to effective adoption services, especially for children committed to the state. It finds that once a child enters the foster care system, it takes an average of five years for that child to be adopted. For children with a plan of adoption, the progress toward achieving that goal is clearly all too slow. Consequently, most of the Task Force's recommendations relate to various mechanisms for shortening the delays in securing permanent homes for children.

The state has done much to improve the conditions under which Maryland's children mature. I hope this report will be another positive step to ensure that all children in Maryland have a permanent place to call "home." I have enjoyed the opportunity to serve as the Chair of the Task Force.

Very truly yours,

Susan P. Leviton

Susan P. Leviton

MESSAGE FROM THE GOVERNOR

Daily, I am struck by the need for us to do far more to help children with special needs. The Final Report of the Task Force to Study Adoption in Maryland identifies ways for us to do a better job of meeting those needs.

Children unable to remain in their families of birth should have the immediate security of another permanent home. We must strengthen our efforts in this area and offer high-quality support services to ensure the success of adoptions.

Providing better support for families cannot be the role of state government alone. Strengthening families requires the collaborative work and investment of local government, of private philanthropy and the corporate sector, and of local neighborhood, church, and community organizations. On the state level, an interagency committee, with representation from the Departments of Human Resources, Health and Mental Hygiene, and Education is addressing the joint planning and program development for children with special needs, emphasizing services for adoptive families after placement.

I wish to thank the members of the Task Force for the dedication, commitment, and hard work that made this comprehensive evaluation of Maryland's adoption program possible.

Sincerely,

William Donald Schaefer

Governor

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Introduction

"Every child has a basic need to belong to a family, to be raised safe from harm and to be loved."

Foster Care Review Board, 1985 Annual Report

Surely, no one feels anything but total agreement with that truism. It is accepted as a goal worth striving for as Maryland works for the improved welfare of children who enter the care of the state.

Statistically, the Department of Human Resources enjoys a measurable amount of success in finding families who offer love and security to children for whom adoption is the best solution. Yet—statistically—the Department must also admit failure in too many cases, failure caused by inadequate administrative guidelines in some cases, poor supervision and management, and insufficient staff and resources.

Prepared by the Governor's Task Force to Study Adoption Procedures, this report focuses attention on the reasons why the number of adoptions is not as high, or as timely, as we would like it to be. The report begins with a statistical summary and an overview of current adoption practices and procedures, successes, and failures. A series of recommendations follows that, if accepted, would surely increase the number of permanent families for children. The many recommendations were carefully considered by the Task Force; each recommendation is adequately annotated. In addition, an executive summary of the full report is included as Appendix V.

In the 1970's over a half million children nationally lived in foster care homes as wards of the states. Fifty to eighty percent of the children in foster care were estimated to be "drifting." They had little or no contact with their families and no plans for their eventual return home or permanent placement outside the home. While having lost contact with their birth families, many had been shifted from home to home with no opportunity to develop lasting relationships.

At the present time, there are approximately 5,300 children in the Department of Human Resources Foster Care program. Of these 5,300 children, about 3,200 have been in foster care for more than two years. Very clearly, children grow older in foster care. Although approximately a third of the children entering care return home within the first six months, the exit rate afterwards, in Baltimore City particularly, declines dramatically in the second six months. For example, in Baltimore City, 91 percent of the children who were in foster care six months after entering were still there twelve months after entry. In other words, if a child remains in care for more than six months, the prospects for a permanent resolution decrease dramatically.

Children need to belong to a family. Not belonging often does serious psychological harm, and so it is imperative to lessen the uncertain period as much as possible. The time that a child is in foster care is crucial to the child's long-term ability to either readjust to his biological family or to adjust to a new home. It is appropriate to view time from the child's perspective: one year in foster care for a five-year-old is one-fifth of that child's life. The longer a child is in care, the more likely the child is going to be emotionally damaged. Agencies, attorneys, and the judiciary must do everything possible to establish timeliness, track the process, and monitor performance to ensure stable home environments for children. Consequently, the focus of many of the Task Force's recommendations is on proposed laws, policies, and practices that would shorten the time a child waits for a permanent home.

Federal and state laws and policies now mandate that foster care is to be a supportive short-term service and that the goal for *all* children is to have a permanent home within two years of entering care. The first preference is "return home." However, for some children, even with intensive services to families, return home is not a possibility. For these children, home with a relative or an adoptive family should be pursued.

Although that is the policy of the state, for many children that policy has not become reality. Rather, in Maryland, once a child

enters the foster care system, it takes, on average, over five years for a child to be adopted. In Baltimore City, the 118 children who were adopted during the year ending June, 1986, had spent an average of *7.4 years* in foster care. (See Figure 1.)

Figure 1

	Children Whose Adoptions Were Finalized During 6/30/85–6/30/86	Average Number of Years Children Spent in Foster Care
Baltimore City	118	7.4 years
Metro Counties (Anne Arundel, Prince George's, Montgomery and Baltimore)	77	5.3 years
Remaining Counties	78	4.5 years

Statewide, children in foster care wait an average of 30 months before the agency changes its plan from return home to adoption. There are many reasons for this delay. One is that caseworkers have no clear guidelines as to when enough work has been done with the biological family and when it is time to make the decision that the biological family is no longer a viable resource for the child. Thus, efforts must be redirected from return home to adoption. Guidelines must be promulgated that will help social workers to (1) assess the quality of the relationship between children and their families, (2) estimate the probability of family rehabilitation, and (3) decide when it is no longer in the child's best interest to continue working with the family.

Another cause of the delay in developing a plan of adoption is that some caseworkers and even supervisors do not have true decision-making power. The combined effect of multiple layers of decision making have made them passive participants rather than aggressive case managers on behalf of the children. The delay in developing a plan of adoption is clearly related to the size of the social service agency; the larger the agency, the longer the delays. (See Figure 2.)

Figure 2

Average Number of Months to Establish Plan of Adoption After Entry into Foster Care	
Baltimore City	36 months
Metro Counties (Anne Arundel, Prince George's, Montgomery, Baltimore)	26 months
Remaining Counties	21 months

In order for children with a plan of adoption to have the security of a permanent home, numerous actions must occur. First, a decision must be made that return home or to a home with a relative is not appropriate, and this must be documented by the agency. Second, the department of social services attorney must file the Petition for Termination of Parents Rights. Third, a hearing in regard to the Termination of Parents Rights Petition must be held. Fourth, the agency must place the child for adoption and a final decree of adoption must be granted. There are obstacles and delays in every step of this process. However, the steps that cause the longest delay are the initial step, which is the decision-making process, and the casework involved in changing the plan from "return home" to "adoption." The average number of months to complete each phase of the adoption planning process is set forth in Figure 3.

A major effort of the Task Force was to review how adoption services have changed over the years and to determine what the present needs are in regard to staff and resources to ensure permanent families for children.

The overwhelming majority of children receiving adoption services today have very special needs. They are school-aged; they have severe and demanding mental and emotional problems that will require extensive ongoing care and treatment to develop future self-sufficiency. Services needed include recruitment and assessment of adoptive families, study and evaluation of the children and their needs, preparation of children and families for adoption placement, pre- and post-placement services, and post-finalization services to adoptive families.

With the increased emphasis on providing families through adoption for those foster children who cannot be reunited with their birth families, the scope of responsibilities

Figure 3

STEP I

The Average Number of Months from Date Child Enters Foster Care Until the Time the Child has a Plan of Adoption

City	36 months
Counties	21 months
Metro Area Counties (Anne Arundel, Baltimore Montgomery, Prince George's)	26 months

STEP II

Average Number of Months to Complete Phases of Adoption Process for Children with a Plan of Adoption

	Worker Refers to DSS Attorney to File for TPR	Petition Filed	Termination Obtained	Termination Denied	Placed for Adoption	Total
City	9.9 months	15.9 months	10.1 months*	—	20 months	55.9
Counties	7.9 months	2.6 months	6.6 months	2 months**	16.5 months	33.6
State	8.4 months	5.9 months	7.5 months	2 months**	17.1 months	38.7

*Fewer than twelve children included to compute average **Two children included to compute average

and skills required of adoption staff have become increasingly demanding. The active recruitment, development, and preparation of adoptive families with the desire and potential for meeting the needs of waiting children is now a major portion of the adoption worker's job. In addition, older children who have experienced living with a number of families require extensive counseling around issues of grief before they can accept an adoptive family and trust that this placement will be permanent.

The very challenging special needs of many of the children in need of adoptive families also require major recruitment efforts on their behalf. However, there are still only 48.5 line staff in local departments who are providing direct adoption services, including recruitment, to over 2,100 children and approximately 750 adoptive families. While recruitment of adoptive families is essential, there are no designated adoption recruitment staff in local departments. Recruitment is being done by dedicated staff and supervisors in the evenings and on weekends, when possible.

Often, recruited families must wait longer than anyone would desire for home study services because of insufficient staff. For every family kept waiting for home study, there is a child whose stay in foster care is extended and a risk of losing the family as a potential resource. In addition, the credibility of any recruitment program is undermined when families are recruited and then placed on waiting lists. It is crucial that adoption staff allocations be brought to a level where adequate and timely services can be provided to prospective adoptive families and to children alike.

The severe and demanding special needs of the majority of children being placed for adoption today present such a challenge to their adoptive families that intensive agency and community supportive services must be available to them on an ongoing basis if these placements are going to be successful. At public hearings held by the Task Force, adoptive parents spoke of the severe emotional problems of the children who came to them after years in the state's foster care system. It is clear that while love and concern on the part of adoptive parents is very important, love alone will not make all of the past horrors some of these children have faced disappear. It is in the best long-term interest of the community at large to provide adoptive families with ongoing services to aid them in raising these damaged children. It does no good for the state to spend considerable sums of money to remove children from life-threatening situations in families of birth if, subsequently, adoptive parents are not given the means necessary to help these children become productive and contributing adults. The families need financial assistance, access to mental health services, appropriate special education services, and medical assistance that is meaningful in paying huge medical bills.

In recent years the state has launched major initiatives to improve the conditions under which Maryland's children mature. While these initiatives made great progress toward protecting the physical, mental, and emotional health of our children, much remains to be done. It is apparent that the provision of stable home environments for children in the foster care system and for those whose biological parents cannot continue to care for them is an area that demands attention. In response to this need, the Task Force to Study Adoption Procedures was established to review and assess the current status of adoption services in Maryland with emphasis on the identification of impediments to effective adoption services, especially for the children for whom the state has custody.

The Task Force to Study Adoption Procedures met over a year-long period and considered the following issues:

I. What are the legal barriers to freeing children for adoption?

II. What are the barriers in local departments of social services and in the state that prevent children from being freed and placed for adoption?

III. What are the barriers to placing special needs children for adoption?

Three subcommittees were established to study these topics. (See Appendix I for History of the Task Force and discussion of the work of each subcommittee.) Set forth in the following three sections are the findings and recommendations of the Task Force. These findings and recommendations are arranged according to the above mentioned issues.

Recommendations 1 through 8, and Recommendation 10, were presented to the 1987 General Assembly. All but Recommendation 10 were enacted into law.

I. LEGAL BARRIERS TO ADOPTION

RECOMMENDATION 1* **Section 5-313(c) of the Family Law Section of the Annotated Code be amended to include part (6) which would state:** ***ALL SERVICES OFFERED TO THE NATURAL PARENT PRIOR TO THE PLACEMENT OF THE CHILD WHETHER BY THE AGENCY TO WHICH THE CHILD IS COMMITTED OR BY OTHER AGENCIES OR PROFESSIONALS . . . .***

DISCUSSION Quite often either the agency with custody of the child or another agency, within or outside the state, has devoted substantial efforts to working with the family prior to the child's removal from the family. The current law does not require the courts to consider the preplacement efforts in determining whether the agency has adequately attempted to satisfy this section of the statute. The purpose of this section is to require the courts to consider such efforts. In presenting their evidence when requesting a termination of parental rights, therefore, the agencies will be able to include documentation of the earlier efforts, which will, in some cases, lead to a more timely resolution of the case.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 2* **Sections 5-313(d) of the Family Law Section of the Annotated Code be amended to include part (3) which would state:** ***THE COURT SHALL CONSIDER THE EVIDENCE PRESENTED UNDER SUBSECTION (D) REGARDING CONTINUING SERIOUS CONDITIONS OR ACTS AND MAY WAIVE THE AGENCY'S OBLIGATIONS UNDER SUBSECTION (C) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE BEST INTEREST OF THE CHILD.***

DISCUSSION Section 5-313(d) permits the court, where a child has been determined to be in need of assistance, a neglected child, an abused child, or a dependent child, to consider certain factors regarding the child's care. For example, the court may consider whether the natural parent has a disability or whether the natural parent had committed acts of abuse or neglect toward any child in the family. Although the court is permitted to consider these factors, the statute presently gives no particular weight to them nor does it advise the court how to consider these facts. Presently, even if such factors as serious abuse exist, the courts require agencies to provide full services and efforts at reunification to the natural parents. The purpose of this proposed new section is to permit the court to balance the actual acts presented under subsection (d) against the value of further possible work with the natural parents. If it is in the child's best interest, the court may excuse any further efforts on the part of the agency to attempt reunification and may more quickly and efficiently order termination of parental rights.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 3* **Section 5-313(c)(5)(iv) of the Family Law Section of the Annotated Code be amended to read:** ***whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the natural parents within an ascertainable time, BUT NOT TO EXCEED EIGHTEEN (18) MONTHS FROM THE TIME OF PLACEMENT, but the court may not consider whether the maintenance of the parent-child relationship may serve as an inducement for the natural parent's rehabilitation.***

DISCUSSION This section appears to be routinely used by attorneys and experts for the biological parent to prolong the process by suggesting that another three months or six months might straighten the matter out, if only the agency would provide more services. The purpose of this section is to put a cap on the time that may be spent providing services. It is the unqualified view of this task force that where the agency is recommending termination, 18 months in the life of any child in placement is enough. After 18 months the court is not required to order termination, but the court may no longer use the necessity of providing further services as an excuse not to.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 4* **Section 5-317(b) of the Family Law Section of the Annotated Code be amended to read:** ***Exclusive petitioners—only the executive head of a child placement agency OR THE ATTORNEY FOR THE CHILD may file a petition for the agency to be granted guardianship.***

DISCUSSION It is the conclusion of the Task Force that the agencies are not sufficiently speedy in attempting to terminate rights. In fact, in Baltimore City, the 118 children who were adopted during the year ending June, 1986, spent an average of 7.4 years in foster care prior to adoption. For children with a plan of adoption, the progress is all too slow. In the city, children in foster care wait an average of 36 months before the agency changes the plan from return home to adoption. Then, it takes the agency an average of 9.9 months to refer the case to the agency's attorney to file for Termination of Parents Rights and an average of 15.9 months for the attorney to file the petition.

The emphasis, in practice, seems to have shifted from considering the best interest of the child to, primarily, considering the parents and, secondarily, considering the child. This amendment is proposed with the hope and expectation that the child's appointed attorney will perceive a greater responsibility and act accordingly.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 5* **Section 5-322(a)(1) of the Family Law Section of the Annotated Code be amended to read:** ***Subject to paragraph (2) of this subsection, a petition shall give each person whose consent is required, notice of the filing of a petition for adoption or a petition for guardianship. IF A PETITION FOR GUARDIANSHIP IS FILED FOLLOWING A PRIOR JUVENILE PROCEEDING IN WHICH THE CHILD HAS BEEN ADJUDICATED TO BE A CHILD IN NEED OF ASSISTANCE, A NEGLECTED CHILD, AN ABUSED CHILD, OR A DEPENDENT CHILD, NOTICE OF THE FILING SHALL ALSO BE GIVEN TO THE ATTORNEY WHO REPRESENTED THE NATURAL PARENT(S) IN THE PRIOR JUVENILE PROCEEDING.***

DISCUSSION This proposed amendment results from concern by the courts regarding adequate notice given to biological parents. Such notice in adoption cases is a particularly difficult problem flowing from the fact that quite often one of the biological parents cannot be identified, cannot be found, or refuses to admit involvement. Almost all of the cases that have raised issues of adequate notice and adequate hearing during the past several years have flowed from cases where there were prior court proceedings at the juvenile court level. In all these cases the biological parents have had appointed or personal counsel at the juvenile level and it appears only logical and fair to have counsel notified, along with the natural parents, of the termination. Although such notification will probably result in more hearings, on balance, this result is preferable to the extraordinary delays which would result from requiring hearings in all such cases.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 6* Section 5-322(c) of the Family Law Section of the Annotated Code be amended to read: *If a person is notified under this section and fails to [intervene] FILE NOTICE OF OBJECTION within the time stated in the show cause [order] ORDER: (1) [the] THE court shall consider the [requirement of consent by that] person NOTIFIED TO HAVE CONSENTED to the adoption or to the [guardianship to be waived] GUARDIANSHIP; AND (2) THE PETITION SHALL BE TREATED AS ONE IN WHICH CONSENT HAS BEEN GRANTED.*

DISCUSSION This language was proposed last year as H.B. 1676 for the purpose of clarification when notification of a petition for adoption has been made, a failure to respond shall act as an affirmative consent. As a result of the difficulty in obtaining actual consent in all adoptions (see Discussion 5 above), this section is needed in order to clarify the legislative intent. It is the unanimous view of the Task Force that the entire statutory scheme fails if a failure to consent does not become an affirmative waiver. Proof of the problem was evidenced in last year's attempt to amend the D rules to require hearings in all cases without two consents. That change would have resulted in all adoptions being delayed over one year to conform with the requirements of Section 5-313.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 7* Section 5-312 of the Family Law Section of the Annotated Code be amended to read: *(a) Scope of Section.—(1) This section applies only to independent adoptions in which a natural parent AFFIRMATIVELY withholds consent BY FILING A NOTICE OF OBJECTION. . . . (b) In general.—Without the consent of the child's natural parent, a court may grant a decree of adoption to a stepparent, relative, or other individual who has exercised physical care, custody, or control of a child for at least [1 year] 6 MONTHS, if by clear and convincing evidence the court finds that: . . . . (2) the child has been out of the custody of the natural parent for at least [3 years] 1 YEAR.*

DISCUSSION The purpose of these amendments is to conform the requirements of 5-312 in line with the time requirements of 5-313. Although independent adoptions where the natural parents affirmatively withhold consent—other than in stepparents or relative adoptions—are rare, it was felt that a procedure should still exist for dealing with such situations. It was further felt that the time frame for such a procedure should be similar to the time frame established for agency adoptions where a natural parent withholds consent.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 8* Legislation should be introduced to require all agencies holding commitment of a child to petition for Termination of Parents Rights within 120 days of the agency's determination that adoption is the plan for the child.

DISCUSSION This proposal is to require prompt action by an agency that has set adoption as the plan for the child. At the present time, once the agency has adoption as the plan for the child, it takes the following average amount of time to file for Termination of Parents Rights.

	Worker Refers to DSS Attorney to File for TPR	Petition Filed	Total Time
City	9.9 months	15.9 months	25.6 months
Counties	7.9 months	2.6 months	10.3 months
State	8.4 months	5.9 months	14.1 months

The agencies must act more quickly and their lawyers must be more responsive; the courts, in turn, will respond more favorably.

This recommendation should be read in conjunction with Recommendation 11 which requires the Social Services Administration to adopt guidelines regarding when to change the permanency plan from return home to adoption. Since, statewide, it takes an average of 30 months before the agency changes a plan from return home to adoption, the Task Force has proposed extensive guidelines to help agencies make more expeditious decisions.

*Enacted by the 1987 General Assembly.

RECOMMENDATION 9 The Task Force recommends that the D rules be amended to state that "in

independent non-relative adoptions the court-ordered investigations shall be conducted promptly upon the filing of a petition and concluded within the 90 days permitted for biological parents to revoke their consent."

DISCUSSION Some concern was raised by individuals conducting investigations in independent non-relative adoptions that adopting families are not always suitable. The investigations, however, routinely do not begin until the child has been in the adoptive home for six months. This appears at cross purposes with the complaint and can be readily corrected through prompt investigations. A lack of uniformity of procedure by the investigating agencies creates confusion for adoptive parents and their attorneys. The idea of a post-placement investigation in all cases—whether conducted by the court, or having been previously conducted by a licensed adoption agency—is supported, but only if conducted promptly so that it is quickly discerned if the child's health or safety is in jeopardy.

Once the D rules have been amended, social services regulations should also be amended accordingly.

RECOMMENDATION 10 **Section 5-312(e) of the Family Law Section of the Annotated Code shall be removed from that section, placed in a new section entitled Section 5-320, and amended to read:** ***Visitation privileges.—After [the] AN adoption, if it is in the child's best interest, the adoptive parent and a [nonconsenting] natural parent may agree to visitation privileges between the child and the natural parent or siblings.***

DISCUSSION There appears to be no reason why this section was limited to independent adoptions and only to those situations where a nonconsenting natural parent was involved. It appears appropriate to permit the courts to include such visitation in any situation where the adoptive parents and the natural parent agree.

II. BARRIERS IN THE LOCAL DEPARTMENTS OF SOCIAL SERVICES AND IN THE STATE WHICH PREVENT CHILDREN FROM BEING FREED AND PLACED FOR ADOPTION

RECOMMENDATION 11 **The Social Services Administration must adopt guidelines by July 1, 1987 for social workers concerning when to change the permanancy plan from return home to adoption.**

DISCUSSION Once a child enters the foster care system, it takes—on average—in excess of five years for a child to be adopted. In Baltimore City, the 118 children who were adopted during the year ending June, 1986, spent an average of *7.4 years* in foster care.

For children with a plan of adoption, the progress is all too slow. Statewide, children in foster care wait an average of 30 months before the agency changes the plan from return home to adoption. There are many reasons for this delay. One reason is the fact that caseworkers have no clear guidelines as to when enough work has been done with the biological family and it is time to make the decision that the biological family is no longer a viable resource for the child and, thus, efforts must be redirected from return home to adoption. Guidelines must be promulgated which help social workers to: (1) assess the quality of the relationship between children and their families; (2) estimate the probability of family rehabilitation; and (3) decide when sufficient help has been offered to a child's family.

The Task Force recommends the following guidelines. Assessment of the parents and extended family should enable the worker to ascertain within 60 days of foster care placement whether it is appropriate to work further toward reunification with parents or relative placement. If one or more of the following circumstances is present, the plan may be changed to adoption:

- The parents are incarcerated or unavailable to participate in reunification efforts within one year of foster care placement.
- Intensive Family Services (IFS) and/or Child Protection Services (CPS) have been provided to the family in an unsuccessful effort to prevent placement.
- The child has been adjudicated a Child in Need of Assistance (CINA) on more than one occasion in prior juvenile proceedings or has had a history of abuse, neglect, or foster care placements.
- The parents have a medically documented disability that renders them unable to care for the child's physical or psychological needs within one year of placement.
- The child came into care as a result of severe, life-threatening abuse or neglect or as a result of the death of another family member from abuse or neglect.

Since permanency should be achieved within 18 months of entry into foster care, the plan should

be fully reviewed every six months. All Foster Care Review Board (FCRB) non-concurrences must be reviewed by the local department of social services director or his/her designee who must approve the continuation of such a plan. If no significant progress is being made toward reunification after 12 months in care, the worker must show why the plan should not be changed to adoption. The DSS director or his/her designee must approve of any reunification plan that continues after 12 months in care.

A decision that no significant progress has been made and that the plan should be changed to adoption may be made when one or more of the following criteria are met:

- when there are no constructive ties between the child and family due either to the ongoing absence of the parent or the parent's unwillingness to care for the child
- when disability renders the parent consistently unable to care for the physical and psychological needs of the child
- when the birth family does not fulfill the terms agreed to in the service agreement
- when the parent has not maintained regular visitation or other contacts with the child as part of the plan for reunification
- when the child has consistently expressed the desire not to return to the birth parents
- when there is a significant psychological parent-child bond that would be broken by removal of the child from the current caretaker and that caretaker is willing to adopt

"Adoption today is a service for children who are in need of permanent families."

Recommendation 12 Time lines for each step of the adoption process must be established, not to exceed twelve months from the establishment of the plan of adoption to placement.

Discussion The average length of time taken to complete the adoption process is currently about four and a half years in Baltimore City and slightly under three years in the counties. Usually, the child has already been in foster care for two and a half years waiting for the agency to change the plan from return home to adoption.

In consensual cases, the average length of time taken to complete the process is two and a half years. Children need to belong to a family as soon as possible. Not belonging to a family often does serious psychological harm to a child and it is imperative to limit this uncertain period as much as possible. Agencies, attorneys and the judiciary must do everything possible to establish time lines, track the process, and monitor performance to reduce the adoption process to a maximum of twelve months.

We recommend time lines of:

- 120 days to file the petition
- 60 days for posting, if necessary
- 90 days to schedule and hear the case in court and to render a decision
- 90 days* to place the child in an adoptive home

Recommendation 13 The Foster Care and Adoption Child Tracking System (FACTS) should be operational by July 1, 1987.

Discussion The greatest barrier in the management of the child welfare system is the scarcity of data at all levels. Sound planning, equitable distribution of resources, and managment accountability cannot occur without accurate data.

Recommendation 14 The Social Services Administration must develop and implement a plan to improve working conditions and salaries in order to attract staff with masters degrees in social work. The Department of Human Resources should provide work study programs to encourage professional training for current staff. The Social Services Administration should request enough child welfare staff to achieve caseloads of 1 to 15 for foster care and adoption staff.

Discussion If a child is not adequately prepared for adoption, it is virtually impossible for that

* Ideally, a child should be placed within 90 days. However, we recognize that, for children with very special needs, it may take longer.

adoption to succeed. The state must ensure that this important task is done by professional social workers. Currently, public agencies experience great difficulty in attracting MSW level staff. Salary levels and working conditions must be improved in order to attract MSW's to child welfare. The state should reinstitute work study programs that include a requirement to work in public child welfare programs for a stipulated period of time.

RECOMMENDATION 15 **The Department of Human Resources should require 35 hours annually of continuing education for all child welfare staff. For supervisors, this should include management training.**

DISCUSSION Currently, there is no requirement for a specific number of hours of training per year. We recommend 35 hours annually so that social workers can remain abreast of current practice in the field of child welfare.

RECOMMENDATION 16 **Accountability systems must be developed within local departments of social services to identify levels of responsibility as well as the means to measure staff compliance with policy and practice expectations, as defined in program manuals, regulations and statutes.**

DISCUSSION The quality of supervision is a matter of great concern. When the manual is not implemented, procedures not followed, case plans not changed in a timely fashion, or sufficient

documentation not completed to fulfill legal requirements, it is logical to question accountability procedures and supervision. If worker vacancies exist, a supervisor may be covering caseloads as well as supervising; obviously, both of these positions cannot be adequately filled by one person. If agencies had modern automated information systems, supervisors and administrators would have a valuable management tool.

Supervision is a weak link in the management accountability system. There is little in policy, practice, or training to help identify or support efforts to determine whether staff comply with policy or practice expectations. Such accountability systems are sorely needed to improve the quality of service to children. For example, supervisors should be evaluated as to whether their workers abide by requirements for the documentation of services, development of service agreements, and progress in the implementation of the steps in the adoption process.

Recommendation 17 **The Social Services Administration must provide uniform dictation guidelines for all child welfare services that will provide adequate details of the child's history and meet the legal requirements for termination of parental rights. These guidelines should be implemented by July 1, 1987.**

Discussion Currently, there are different dictation requirements for child protective services, foster care, and adoption. The record should provide information about the child's life experiences prior to care and during care. It must also document agency services and family information needed to adequately document for termination of parental rights. The Task Force suggests guidelines should include, but not be limited to, the following minimum requirements:

- the plan and rationale for it
- documentation of all services provided to the child and the birth family
- documentation of exploration of relative resources
- documentation of the condition of the parents and the child
- documentation of family contact with the child and quality of that contact
- documentation of efforts to locate missing parents
- service agreement with history of compliance by worker and parents
- documentation of steps taken toward termination of parental rights, where applicable

Recommendation 18 **The Social Services Administration should promote guidelines and policies supporting consistent and equitable use of legal risk placements by agencies throughout the state. Further, the Social Services Administration should mandate training for local departments in the practice of legal risk placement in order that expertise in this area may be developed.**

Discussion The appropriate use of risk placements for children who are not yet legally free for adoption can reduce the number of separations children experience and support termination of parental rights. Adequate and proper preparation of foster/adoptive parents is essential to the success of risk placements. Risk placements also avoid the necessity of moving the child from a foster home to an adoptive family thereby reducing a potentially emotionally traumatic experience. Judges are more likely to grant termination of parental rights if the child is in the adoptive placement. They are often, unfortunately, reluctant to terminate rights when there is no assurance that the agency will find an adoptive family.

Recommendation 19 **To lower the number of children entering foster care, and consequently needing adoption, the state should commit sufficient funds for every local department of social services to provide prevention services for families where children are deemed to be at risk of child abuse.**

Discussion There is increasing community awareness of the epidemic of child abuse and family violence. Removing children from the family home and placing them in foster care can be damaging to both the child and the family. It is far better to prevent placement, if possible. There is sufficient experience to demonstrate that

intensive short-term services are effective in preventing placement. The Social Services Administration has piloted two innovative models in prevention services: Intensive Family Services and Family Support Centers. These resources should be available throughout the state.

"The demands of the program and the needs of the families and children it serves have clearly outgrown the available staff resources."

RECOMMENDATION 20 The Social Services Administration should continue the Title IV-E eligibility unit to determine children's eligibility for federal funds under this program. In this way, SSA can ensure that service workers complete accurate and timely documentation of children's eligibility for IV-E funding.

DISCUSSION Title IV-E is one source of federal funding for foster care and adoption services. There are strict eligibility requirements which must be met when the child first enters foster care and thereafter. If the child's IV-E eligibility is not documented when he enters care, the potential for federal adoption subsidy will be lost. To maximize the federal money available for its adoption programs, Maryland must continue its efforts to document children's eligibility upon first entering the system and thereafter.

RECOMMENDATION 21 The chief administrative judge should require training in child development and the impact on a child of the lack of a permanent family for those judges assigned to Termination of Parents' Rights cases.

DISCUSSION It is imperative that judges have an understanding of the impact of impermanence on the emotional development of children, if they are to make decisions that benefit children. Since judicial assignments rotate, it is recommended that such training be available annually.

RECOMMENDATION 22 The courts should provide adequate time for child welfare cases. The facilities of the court and the scheduling of cases should be improved in order to minimize the anxiety of children who must appear in court.

DISCUSSION Courts are very intimidating to children; it is frightening to sit all day waiting in an environment that is distressing even to adults. Currently, numerous cases are scheduled for the same time. Postponements are often granted for the convenience of attorneys, with no regard for the impact on the child. Cases should be scheduled, hearings held on consecutive days until they are complete, and decisions rendered in a timely fashion. Further, the physical environment of areas where children wait should not contribute to their distress.

RECOMMENDATION 23 Local departments of social services and the local court should combine their efforts to streamline procedures to locate absent parents.

DISCUSSION An inordinate amount of time is spent trying to locate parents. This delays termination of parental rights and placement of the child in a permanent family. Burdensome legal requirements force the local department to perform meaningless paper requirements after a lengthy detective process has been completed. Posting frequently adds another 60 days to several months and rarely, if ever, results in the location of a parent. In accordance with 5-322, attorneys for the department of social services should request that the court waive posting when appropriate.

RECOMMENDATION 24 Agencies must designate sufficient resources and staff to process applications for adoption in a prompt and sensitive manner.

DISCUSSION Foster parents should be encouraged to adopt. There must be outreach by agency staff to families interested in adoption and this must pervade agency policy and practice.

RECOMMENDATION 25 Standards should be the same for approval of both foster homes and adoptive homes. However, adoptive parents should be exempt from foster parent training requirements, unless they are accepting a risk placement. When a child has been in their home for a number of years, foster parents should be given first consideration for adoptive placement, because of the inevitable

bonding of children with foster families.

Discussion Recognizing that foster care placements are made with the hope of short-term resolution (i.e., return home or to other relatives) we acknowledge that a foster home appropriate for initial placement may not always be appropriate for a permanent placement despite standardized requirements. However, in the majority of cases when the child has been in the home for a number of years, foster parents should be given first consideration for adoptive placement because of the inevitable bonding which takes place between foster children and foster families.

Recommendation 26 Coordination between workers, units, and agencies must be developed through the clear definition of responsibility for all aspects of casework, permanency planning, transfer of cases, adoption preparation, and family resource selection.

Discussion There is omission, duplication, and turf battling between workers, units and/or agencies when responsibility for a case is shared. The local department of social services should define responsibilities for all aspects of the case when assignments are made. A service agreement between agencies should be written so that responsibilities for service and liaison are clear.

Recommendation 27 Any decision regarding the child's placement or permanency plan must involve the worker for the child or his/her supervisor as a representative of the agency.

Discussion Even though the local department of social services has commitment and is responsible for care, service, and planning for the child, attorneys—who have no extended knowledge of the case—often make recommendations to the court without consultation with the worker. Since the agency is the client, the attorney should consult with the agency representative before presenting any significant decisions to the court.

Recommendation 28 State department of personnel and social work licensing policies and practices must be changed to facilitate the prompt hiring of qualified personnel or the dismissal of incompetent personnel.

Discussion Under the current personnel system, there is no way to reward good work; an employee cannot be upgraded on the basis of outstanding quantity or quality of work. The "merit" system has come to mean only an automatic annual increase for an employee for the first six years, with no further increases unless he or she moves to a different job with a higher classification.

Throughout the state, agencies frequently must endure vacancies for extended periods of time. Contributing factors include outdated personnel lists, the rule limiting selection to the top five people on the list, and the inability to hire people until they have a social work license in hand. We recommend that agencies be permitted to hire competent people and that the Department of Personnel certify them as qualified.

It is extremely difficult to terminate an incompetent employee. A supervisor must spend an inordinate amount of time documenting the employee's failure to conform to policy or personnel practice. Most supervisors are so inundated with work that they choose not to spend a significant percentage of their time in documentation. Even then, if they are not aware of all technicalities, the attempt to terminate may fail. An exhaustive appeal process available to the employee makes further time demands on the supervisor. We recommend that this procedure be simplified.

Recommendation 29 Formulas for the allocation of staff and other resources should be evaluated and updated every two years.

Discussion There are formulas for the distribution of staff and other resources to the local departments of social services. Because, over time, population shifts may cause increases or decreases in caseloads, based on economic or other societal factors, distribution formulas should be adjusted on a regular basis in order to take changes into consideration and maintain an equitable distribution of resources.

Recommendation 30 There must be adequate attorney time available to local departments of social services. Legal counsel

should be employed by the local departments of social services.

Discussion At the present time, certain local departments of social services suffer from inadequate attorney time. In Baltimore City, additional positions should be made available to the Legal Resources Unit. In some counties, legal resources are provided by the county attorney's office which is responsible for services to all county agencies; frequently, not enough time is available to the LDSS and little can be done to resolve the problem. Legal services should be available by full- or part-time staff attorneys under the control of the local DSS.

III. SPECIAL NEEDS ADOPTION

A. Recruitment of Families for Special Needs Children

RECOMMENDATION 31 **Legislation should be introduced to provide a double personal income tax exemption for families who adopt special needs children.**

DISCUSSION State financial incentives should be developed to encourage families to adopt special needs children. Because of the costs involved in raising a special needs child, income tax exemptions for families who adopt special needs children should be explored and enacted.

Marketing

RECOMMENDATION 32 **By March 1, 1987, SSA should develop and computerize a statewide system to identify the number and characteristics of all waiting children. This system should be capable of generating statistical data, child profiles, etc. to support the recruitment of families.**

RECOMMENDATION 33 **SSA should obtain the services of a public relations firm to address the "packaging" of these children.**

DISCUSSION Although SSA and the Maryland Adoption Resource Exchange are now computerized, the fact that we cannot identify the population of waiting children, nor can we project future populations, is a crucial barrier to recruitment. It is imperative to have a complete profile of the children for whom we are recruiting families in order to improve our recruitment efforts. We must also have data on the types of families who are adopting so that our recruitment program can be targeted appropriately.

Staffing

RECOMMENDATION 34 **Increase local regional recruitment adoption staff from three to eight positions. Expansion of regional positions to Southern Maryland, Dorchester County, and the large departments would produce more families for waiting children. In addition, the creation of an SSA position for statewide recruitment, information and referral, technical assistance, and consultation to local recruitment staff, as well as the coordination of the *One Church, One Child* campaign, is recommended. An additional 14 staff workers are needed at the local level to provide direct adoption services to children and prospective adoptive families.**

DISCUSSION Adoption, today, is a service for children who are in need of permanent families. In addition, there has been an increased effort toward placing children with special needs—those with severe mental, physical or emotional handicaps, older children, children in sibling groups, and minority children—in adoptive homes. This has created a basic change in adoption philosophy: from finding children for childless couples to finding adoptive families for children who need them.

As one considers recruitment efforts, it is important to remember that the results of such efforts are hard to measure and may not show up in statistics or other tangible data. Since adoption is a lifelong commitment, the decision to adopt requires much thought. Many families who may become aware of special needs children through a *Wednesday's Child* TV segment or a newspaper column, may not contact an agency and actually apply for adoption until months, or even years later. Some may never adopt, but may become sensitized to waiting children and may offer crucial support and encouragement to others in their extended family, church, or neighborhood. Thus, any effort to create a positive public attitude toward the non-traditional adoptive child "trickles down" and enhances the chances for successful placements.

Statewide, it takes an average of 17 months, once an agency has been granted guardianship with the right to consent to adoption, to place a special needs child. Of the approximately 300 children who are legally free for adoption currently, 150 are not in adoptive placements. (See Appendix II for breakdown by race and age of children free for adoption and in need of permanent homes.)

In fiscal year 1985, 329 children were placed for adoption. This figure is similar to the 333 figure for FY 1984. However, the number of difficult-to-place children who are adopted is increasing. Eighty children aged ten or older were adopted in FY '84. This figure rose to 98 in FY '85. In FY '84 143 minority children were placed and 165 in FY '85. Adoption of children with other special needs increased from 128 in FY '84 to 176 in FY '85.

As these statistics demonstrate, although progress is being made, finding families for special needs children is a difficult process. Existing programs to recruit families for special needs children are stymied by grossly inadequate staffing and funding. Staff charged with recruitment of adoptive families, more often than not, carry full caseloads of foster parents, children, and biological families.

"There has been an increased effort to place children with special needs—severe mental, physical, or emotional handicaps, as well as older children, sibling groups, and minority children—in adoptive homes."

Hence, recruitment is a low priority. For example, the *One Church, One Child* initiative, which began in October 1986, has no assigned staff. Nine of the twelve recruitment vehicles outlined below are carried out by the same overburdened staff who also carry full caseloads.

A brief review of existing recruitment efforts is listed below:

- ***BARN (Black Adoption Recruitment Network)***
  A collective public education and recruitment effort by public and private agencies and black adoptive families for Maryland's waiting black children. Members are either full-time employees of the sponsoring agencies or volunteers. BARN has no staff and has been operating on a one-time-only grant of $6,000 from SSA. (This may change with the *One Church, One Child* initiative.) Although 250 families have been registered, home studies must be completed through the normal channels available in the families' local areas.

- ***Wednesday's Child***
  A cooperative program, in conjunction with WBAL-TV, Channel 11, it utilizes a part-time, contractual staff person at SSA. *Wednesday's Child* is a biweekly TV news spot highlighting a child or sibling group in need of an adoptive family. *Wednesday's Child* also recruits at work sites throughout metropolitan Baltimore, organizes bulk mailings, and coordinates a monthly column featuring waiting children for newspapers statewide. A video tape and printed material is available to local departments for use in recruitment. Since its inception in October 1980 through June 1986, *Wednesday's Child* has featured 152 children, on television, of whom 101 have been placed.

- ***The Forgotten Child***
  Operating through the Regional Recruitment Committee and in cooperation with WRC-TV Channel 4 in Washington, D.C., this television recruitment tool serves the Washington metropolitan area and features children from Virginia, D.C., and Maryland.

- ***Room For One More***
  This joint venture of Family and Children's Services of Central Maryland and Baltimore City DSS both recruits and provides for home studies. From January 1985 to January 1986, there were three placements of older black boys and there are seven waiting families. This project is funded by $50,000 from private groups and utilizes Baltimore City staff time.

- ***Finding Families For Children***
  A federal grant of $56,000 was used by SSA to contract with Family and Children's Society for outreach to families in Anne Arundel and Prince George's counties and to expand the resources available to MARE-registered children.

- ***Maryland Adoption Resource Exchange (MARE)*** Housed at SSA with one full-time budgeted staff person, MARE facilitates the matching of waiting families and children statewide, publishes a photo listing, coordinates referrals to national exchanges, and is a source of information and resource material for adoption workers and families statewide. MARE began with full-time staff in July 1982 and 190 placements are directly attributable to MARE coordination. Overall, 451 children have been registered, 344 placed, and 103 withdrawn for other reasons. An average of 120 children are registered at any one time.

- **Regional Adoption Positions** Three full-time adoption positions are housed in LDSS's in Carroll, Cecil and Somerset counties. Together, they serve ten counties where adoption staff allocations are fewer than one full worker and where there is potential for the recruitment and study of families for Maryland's waiting children. Once placements are made, post-placement, pre-finalization services also become part of the position's job requirements. From March 1985 to March 1986 in Carroll/Howard counties, 21 families were studied; four were foster parent adoptions. Seven black infants and five special needs children were placed during this period.

The Upper Shore position was vacant from November 1984 through May 1986. However, from January 1983 through November 1984, recruitment, education, and home studies resulted in seven special needs placements. The Lower Shore (Worcester, Wicomico and Somerset counties) has seen 15 special needs placements in the period January 1985 to September 1986, plus three foster parent adoptions.

- ***Families Adopting Children Everywhere (FACE)***
  While this private, adoptive parents organization is not an "official" recruitment vehicle, its impact on adoptions statewide is great. Monthly newsletters feature waiting children and articles often focus on the problems faced by special needs children and the families who adopt them. This network of adoption-oriented families provides information, referral, and support and is a tireless advocate for waiting children and waiting families.

- ***One Church, One Child***
  Modeled on the successful recruitment program in Chicago, Maryland began its *One Church, One Child* project in October 1986, under the dual sponsorship of SSA and BARN. It hopes to become the major recruitment campaign in the Baltimore Metro area, urging every black church to accept the challenge and responsibility of having at least one member of the congregation adopt a black child. *This program has no staff assigned to it.*

- **Annual Adoption Week Activities**
  National Adoption Week is observed annually during the week of Thanksgiving. The North American Council on Adoptable Children produces materials for distribution. State and local agencies use the week to promote adoptions through newspaper, radio and television publicity, as well as through a variety of activities ranging from an Adoption Fair at the Inner Harbor to skating parties for adoptive families. All serve to bring the idea of adoption before the public at little or no cost to local agencies, other than the cost of worker time.

- **Local Department Activities**
  Throughout Maryland, local departments recruit for their own waiting children. Particularly in the large metropolitan areas, resources for children are often located within the roster of families already waiting for home studies and waiting children are publicized during adoption intake group meetings. Baltimore City has, for example, utilized media campaigns, posters, pamphlets, picnics, and "adoption parties" as recruitment tools.

- **The Children Themselves**
  Successful placements are the best advertisements possible for adoption of special needs children. Adoptive families are utilized as a direct recruitment tool statewide in newspaper articles, group home study meetings, television promotions, etc. They serve as living, working examples of families built through adoption.

Justification for additional local, regional and state adoption staff.

On a local level, to ensure that public education and recruitment receive the ongoing attention they require, five additional recruitment positions are necessary. These recruiters would be teamed with home study workers in each of the five large departments. Their responsibilities would include developing and implementing intensive local recruitment activities, and locally implementing such statewide recruitment projects as *One Church, One Child*. Family resource development responsibilities would be shared by the home study worker and the recruiter; they could conduct group home studies as a team. Families would have a chance to establish working relationships with two workers during the preparation process. At

the point of placement, the home study worker would provide post-placement services, leaving the recruiter free to recruit.

In addition, a state recruitment position is critical to the success of the *One Church, One Child* project. This new staff person would be responsible for liaison with the national project office staff; staff the *One Church, One Child* board of directors (comprised of ministers from participating denominations); plan and coordinate project activities; expand the project from the Baltimore Metro area to other areas of the state; and provide technical assistance and consultation to local recruitment staff.

Finally, 14 new adoption staff workers are needed at the local level to provide direct adoption services to children and prospective adoptive families. The Task Force believes that caseload ratios of 1:20, staff to children, and 1:30, staff to prospective adoptive families under study (allowing for the recruitment and public education component), are the maximum feasible caseloads for operating a successful adoption program. In addition, the 1:250 ratio is an absolute maximum for the maintenance of the subsidy caseload. We currently have only 48.5 line staff allocations for adoption. (Total allocation—64 positions: supervisors—6.5; secretaries—7.5; aides—1.5. See Appendix III—Worker Allocation for Fiscal Year 1987.)

In December of 1985, 475 children were receiving pre-adoption services. Approximately one-third, or 158 children, were legally free and the staff was in the process of recruiting adoptive families for them and preparing them for placement. The remaining 317 children were in some phase of the termination of parental rights process and were receiving child study and foster care services. An additional 365 children had been placed with their adoptive families and were receiving intensive post-placement services. Thus, a total of 840 children were receiving adoption services. At a 1:20 ratio, this caseload would have required 42 workers.

There were also 464 families under study. At a 1:30 ratio, the staff need would have been 15.5. Finally, there were 1,316 subsidized adoption cases where the adoptions were final, but continued subsidy maintenance was necessary. At a 1:250 ratio, this caseload would require five workers. Therefore, while the current line staff allocation is 48.5, the actual caseload need is for 62.5 line staff. This total represents an additional 14 line staff to provide direct adoption services to children and prospective adoptive families.

Training

RECOMMENDATION 35 **SSA should offer enrichment opportunities to foster care and adoption staff, including workshops and seminars in which special needs adoption is discussed. In addition, state-sponsored training for both public and private agency staff should be offered concerning the philosophy of adoption.**

RECOMMENDATION 36 **SSA should provide more sessions of Afro-American cultural training to public and private agencies in order to encourage the recruitment and retention of black foster care and adoptive families.**

DISCUSSION Insufficient training of adoption and foster care staff affects recruitment in a variety of ways. For example:

- The personal values of a home study worker may result in too many potential adoptive families being found to not "measure up."
- Workers may feel inadequate to supervise difficult placements and thus avoid them.
- The lack of sensitivity to and experience with black families and children hinders both the study and placement of these children. For example, the 1980 census reported 344,198 black children aged 0 to 18 in Maryland, 26 percent of all children in the state. Yet, black children represent 53 percent of children in the child welfare system. At any given time these children make up 70 percent of the waiting children registered with MARE.
- There is an element of distrust among agencies that interferes when they attempt to cooperate on inter-county and/or public-private placements, i.e., a Family and Children's child going to a Baltimore County family. It becomes a barrier to recruitment when a worker's distrust leads to his or her dismissal of a possible family.
- A lack of universal commitment to the placement of *all* waiting children is a statewide barrier. The provincialism of many agencies, coupled with staffing insufficiencies, leaves many potential special needs families with no resource for a home study.

Statewide training will educate workers and build trust across agency lines as they interact and discuss issues. Statewide gatherings of adoption workers also reinforce the notion that all counties/agencies need to broaden their perspectives and work toward the study of families for all types of children. Training should include values clarification and exposure to Afro-American cultural values, as well as provide tools for sharpening specific adoption skills. Line workers should be given opportunities to attend national conferences and seminars for exposure to new ideas, in order to enhance their enthusiasm for adoptions work.

B. The Maryland Adoption Resource Exchange and National Exchange Resources for Placing Special Needs Children

RECOMMENDATION 37 **The MARE coordinator should recommend to the national resource exchanges that they work together to devise a uniform referral procedure and a universal registration form.**

RECOMMENDATION 38 **The MARE coordinator should mail registration forms to National Exchange, Children Awaiting Placement (CAP) and Aid to Adoption of Special Kids (AASK) for any child who is legally free and for whom the coordinator cannot make family referrals immediately.**

RECOMMENDATION 39 **The MARE coordinator should be aware of rapidly developing national resources and of the changes in the national exchanges and should inform the local departments of changes monthly, via a newsletter and/or MARE listings.**

DISCUSSION ***Maryland Adoption Resource Exchange***

The Maryland Adoption Resource Exchange is the major state resource available to assist local departments in recruiting adoptive families for their waiting children. Ideally, approved adoptive families are registered with MARE; any child who is available for adoption and for whom the local department does not have a family should also be registered. When a child is registered, the pool of families is reviewed. Information on those families who appear to have potential for parenting a particular child is forwarded to that child's worker. MARE should make it possible for an approved adoptive family to become a potential resource for any waiting child in the state.

Our review of MARE revealed several barriers to the system functioning as proposed. Local departments have been slow to respond to mandated registration of all families and children. Part of the problem appears to be that each jurisdiction fears losing a valuable resource for "local children" at a future date. Child welfare advocates perceive the system as not working well. Printing problems prevented monthly updates to local departments. Written communication confirming bi-monthly mailings could not be found. Therefore, it is recommended that the MARE coordinator communicate to local departments through a monthly newsletter since monthly listings have been precluded. This newsletter could also act as a vehicle for updating local departments on new adoption initiatives as well as changes in the registration requirements of various exchanges and the creation of new exchanges. MARE should be allowed to select a printer who best meets the needs of the exchange, regardless of other state contracts.

The use of the national exchanges is inhibited by a lack of uniformity in registration forms. As a short-term solution, the MARE coordinator should mail registration forms for National Exchange, CAP, and AASK for any child for whom the coordinator cannot make family referrals immediately. A long-term solution is the movement toward a uniform registration form. Uniformity is critical to the enhancement of placement for special needs children.

Computerization of MARE records, coupled with mandatory registration, should give a statewide perspective of waiting children and enhance placement possibilities. SSA recently requested foster care review boards to track plans of adoption as well as MARE registration. These actions along with the recent addition of a computer to be made available to the MARE coordinator, should significantly enhance service delivery.
Like any other clearing house or referring registry, MARE can only be effective if it is utilized fully and routinely by those seeking the best possible homes for their children, and also by those seeking to create or expand families willing to adopt. Just as success breeds success, underutilization of a central referral system can ensure its relative ineffectiveness.

C. Purchase of Service

RECOMMENDATION 40 **SSA should fund the purchase of services from agencies with expertise in special needs adoption in order to recruit families who will adopt special needs children, do home studies, and provide post-placement/post-finalization services.**

RECOMMENDATION 41 **SSA should clarify the role that private and public agencies should play in cooperative efforts for the placement of special needs children.**

RECOMMENDATION 42 **SSA should fund a pilot program to demonstrate alternative models for purchasing adoption services from private agencies both prior to guardianship and post-guardianship.**

RECOMMENDATION 43 **SSA should fund a special recruitment project targeted toward recruitment of black families and the placement of black children.**

DISCUSSION

Supportive Service Funds

Supportive service funds are available to local departments to supplement their adoption programs. When a local department determines that supportive services are necessary to prepare a child for adoption or to sustain a placement, the local department can authorize those services, to the extent funds are available. A variety of services are covered but the majority of funds are expended to purchase therapy to prepare a child for adoptive placement or to sustain a placement. The adoption program also uses these funds to purchase home studies from private agencies for special needs families on waiting lists in local departments. Some local departments do not use these funds.

Supportive service funds have been made available to local departments since fiscal year 1983. In fiscal year '83 and '84 the total allocation was $100,000. Allocations have dropped from a high of $100,000 to $66,875 for FY '87.

The small amount of supportive service funds is a major barrier to permanence for many special needs children. The inadequacy of this funding is discussed again in the section on post-placement services. It is strongly recommended that funding be increased and information about its existence and use be disseminated to parents adopting special needs children.

Contractual Arrangements with Private Agencies

As long as there are children waiting for adoptive homes, flexible and innovative ways to secure those homes need to be encouraged. Maryland has children today who are in need of such homes. Proponents of greater use of purchase-of-service funds argue that contracting for services allows state and local agencies with legal and fiscal responsibility for children more flexibility in obtaining innovative, cost-effective, and appropriate services than if those services were administered and delivered by public agencies. But there has been no careful analysis of the impact of the increased use of purchased services either nationally or locally.

Despite the fact that private agencies receive funds from public sources, many are highly selective in accepting children. (See Appendix IV for survey of placements by private agencies.) If purchase-of-services is to work, all agencies must make a deliberate commitment to the extension of adoption services to all special needs children. The extension and improvement of adoption services to these children can come about only by different agencies playing different roles in relation to the total effort.

While the expertise to place Maryland's waiting children is perceived as lacking among existing private sector agencies, alternatives to understaffed and under-funded public agencies must be developed. Small scale projects that facilitate the private sector's development of the needed expertise are to be encouraged. To enhance the placement of waiting black children, a recruitment project should be funded based in the black community with an established black organization.

There are a number of issues that the state must address when considering a purchase-of-service arrangement for adoption services. The first question is: What will be purchased? The state may purchase different services

from different private agencies or the state may purchase entire services for a particular child from one agency. A related issue that arises is: Who pays for post-placement services, if a private agency has made the placement? Because special needs children have multiple problems, we must acknowledge that they and the families that adopt them will need post-placement services.

Another question to be addressed is: How will the state control and monitor the process? There must be accountability in the system and responsibility must be delineated. It is also necessary to determine who has the final authority to accept or reject a family for the child. The acceptability of a family is an issue which causes animosity between public and private agencies.

The final question is: What will the money be tied to? The state can choose to tie the money to a particular child, an agency, or a county.

A variety of purchase-of-service programs were researched for this discussion. Michigan and Kentucky have opted to purchase services from the private sector in two ways: traditional purchase arrangements, as well as a contract with the local Urban League to recruit black homes. Children who cannot be placed by the private sector are returned to the public agency for placement. Both states report that the children most likely to return to the public sector are severely handicapped children and older black children. The similarity between the children returned to the system in those states and those currently waiting on MARE is noted.

Room For One More, a cooperative effort between the public and private sector in Maryland, has raised questions about the structure of purchase-of-service arrangements. This program, a joint effort between Family and Children's Services and the Baltimore City Department of Social Services, requires each agency to share in the operation and maintenance of the program. While the goal of this three-year program is the placement of nine children during the first year and twelve children during subsequent years, two years into the program only six children have been placed. Therefore, if purchase-of-service is to be effective in increasing the number of homes for Maryland's waiting children, the state must clearly define the role both public and private agencies will play.

D. Transracial Adoptions

RECOMMENDATION 44 The Task Force supports the Social Services Administration's child placement policy as it relates to transracial adoptions.

DISCUSSION We fully support SSA's child placement policy. This policy acknowledges that race, as an integral aspect of one's identity, is an important consideration in evaluating a prospective family for a child, but adds that "no child should be denied a permanent family solely because of race." The policy provides additional guidance for home selection when considering a family of a race different from that of the child.

For families who meet the criteria set forth by the state's policy, transracial adoption is seen as a viable option, preferable to the child's protracted waiting in foster care. This option is most likely for older and special needs children listed on national exchanges.

RECOMMENDATION 45 The Task Force encourages and fully supports all efforts to recruit same race resources, e.g., *Black Adoption Recruitment Network* (BARN) and *One Church, One Child*. These programs need to be adequately funded and staffed.

DISCUSSION We encourage and fully support all efforts to recruit and develop a pool of available same-race homes for children. Specifically, such efforts as the *One Church, One Child* program, and the state's support, are acknowledged and commended for holding out the promise of increasing the number of prospective adoptive family resources. These efforts must be adequately funded and staffed.

RECOMMENDATION 46 Recruitment of black foster homes must be supported by adequate staff, budget, and administrative support.

DISCUSSION The pool of black foster homes needs to be expanded. The majority of transracial adoptions processed by local departments are foster parent adoptions. Children become attached to their foster parents. This is especially true when, because of agency and court delays, children remain in foster care for approximately five years before being adopted. After living with one foster family for five years, it is too traumatic to remove the child from that home to a same-race adoptive home. A number of transracial placements could be avoided if more same-race foster homes were available on a statewide basis. Foster home recruitment faces the same staff and resource shortage as adoption recruitment efforts.

RECOMMENDATION 47 The Task Force strongly encourages the full utilization of MARE via mandatory registration of children and families in accordance with Adoption program guidelines.

DISCUSSION We strongly encourage the full utilization of MARE. The mandatory registration of all children and families in accordance with Adoption program guidelines needs to be followed. The full utilization of MARE is seen as particularly important for younger black children for whom intrastate, same-race placements should be available.

E. Post-Placement And Post-Legalization Services:

RECOMMENDATION 48 **SSA should contract with an agency or agencies for a central clearinghouse to provide information, legal services, and advocacy for families of special needs adoptive children. This effort should include:**

- **an appeal to church denominations who maintain specialized counseling services to provide free counseling services on an ongoing basis to special needs adopters; and**
- **development of an active program to identify special needs families in order to increase networking and support group formation.**

DISCUSSION As a result of the dramatic decrease in the number of healthy infants and toddlers available for adoption, the overwhelming majority of children receiving adoption services today have very special needs. They often are school-aged children with severe and demanding mental and emotional conditions, who will require extensive ongoing care and treatment, and who may not develop into self-sufficient adults.

Older children, who have experienced living with a number of families, may require extensive preparation and therapy around issues of grief before they can accept an adoptive family and trust that this placement will be permanent.

At public hearings held by the Task Force, adoptive parents told of the severe emotional problems of the children who came to them after years in the state's foster care system. The demanding special needs of the majority of children being placed for adoption today present such a challenge to their adoptive families that intensive agency and community supportive services must be available to the families on an ongoing basis if these placements are going to be successful.

"It is in the best long-term interest of the community at-large to provide adoptive families with ongoing service to aid them in raising these damaged children."

The backgrounds of some of these children include one child who, as an infant, had been kept in a box, naked and unfed, by his birth mother. Placed for adoption at four, the boy exhibited extreme hyperactivity and an inability to feel emotions or to bond with anyone.

A number of families testified that their children's early backgrounds included unmerciful beatings. Many children, both boys and girls, had been sexually abused over long periods of time. For some, the abuse had begun in infancy. One girl had, at a preschool age, been lodged by her birth family with prostitutes for the purpose of learning the trade. Proper food and medical care had often been withheld from the children.

More than one family testified about their child's continuing and serious lack of trust in any adult, including the adoptive parents. Some children continued to exhibit maladaptive behavior, such as impulsively running away and deliberately provoking adults into hitting them. Some families report inappropriate seductive behaviors inside and outside the adoptive family. One teenage girl constantly soaked her clothing with urine and refused to bathe.

Many adoptive parents testified to learning difficulties experienced by their children. These difficulties ranged from the inability to concentrate to extreme learning disabilities. Several of the teenaged children, although of average or even above average intelligence, are illiterate.

Repeatedly, the Task Force heard the complaint that the adoptive family had not been fully informed of the extent of physical and sexual abuse that the child had sustained prior to adoption. Most families said that the home study process, both in private and public agencies, did not adequately prepare them for the problems they encountered after placement, or for the turmoil the child created within the family.

Most families received only a few visits from workers after placement. After finalization of the

adoption, the contact with the agency usually ended. Most disturbing to the subcommittee was the apparent reluctance on the part of many families to contact the agency for help when difficulties arose. When one family was questioned by the subcommittee as to why they did not call their agency for help, the response was, "Well, we asked to adopt the child."

Another family reported that when they did approach their local county department of social services for help in obtaining specialized services, they were told that only if they abused the child would they be eligible for the type of help they were requesting. The family admitted they were on the point of disrupting the adoption.

All families had sought professional counseling for their children from psychologists, psychiatrists, and social workers in private practice. All families, no matter what their personal incomes, faced serious financial problems in attempting to pay for long-term psychological services in an attempt to undo some of the child's emotional damage, and to keep the child functioning well enough to remain in a family setting.

Many adoptive families struggle valiantly for years to find solutions for the problems of these older children. Yet, the love and concern of an adoptive family, while important, will not make all the past horrors experienced by these children disappear. It is in the best long-term interest of the community-at-large to provide adoptive families with ongoing services to aid them in raising these damaged children. It does no good for the state to spend considerable sums of money to remove children from life-threatening situations in families of birth if, subsequently, adoptive parents are not given the tools necessary to help their children become productive and contributing adults. It is necessary to help these children end the chain of abuse that is sometimes several generations long in their families of birth.

The greatest problems facing adoptive families are: securing appropriate school placements; accessing mental health services; and determining where to find other kinds of help a child may need, such as prosthesis payments. Working with these problems would render local departments of social services ineffective in managing their day-to-day case work.

Yet, when families become unable to cope with the severe and often constant maladaptive behaviors of their children, and are worn down past the point of safety, the end result of this constant, unremitting stress may be an adoption disruption.

SSA should contract with private agencies to provide information, legal services, and advocacy to assist families in meeting the needs of special needs children. A private agency or central clearing-house should be established consisting of educational advocates who could advise adoptive parents of their rights, explain existing services, and accompany them to educational decision-making meetings and hearings. Also needed are individuals familiar with ways to access appropriate mental health services and other costly medical services.

Some may question why adoptive parents should be entitled to these kinds of services. The reason is that, from day one, the parents need to know how to manipulate systems, choose therapists, and do sophisticated advocating for seriously damaged children. Even if they are experienced parents, they will not have had to do this for birth children because their birth children probably did not require these intensive services. After the arrival of a child, it is too late to find out that the school system should have been providing special educational services and that there may have been alternative ways of securing mental health counseling.

If there were such an agency or clearing house, adoption workers, not trained in accessing special education or mental health services, would be free to do their primary function, to work with children toward adoption and to recruit homes for waiting children.

RECOMMENDATION 49 SSA should give a standard packet of information to all adopting families, describing post-legalization services, including subsidy. It should also include a counseling resource list, which would be periodically updated.

RECOMMENDATION 50 **The Department of Health and Mental Hygiene (DHMH) should clarify medical assistance guidelines for DSS staff so they can give accurate information concerning medical benefits for special needs children to prospective adoptive families.**

DISCUSSION SSA needs to prepare a written booklet for adoptive parents which should be given to these parents at the time the child is placed with them. Many agencies are only verbally reciting the benefits to which the children are entitled. Later, when the parents may have forgotten what they were told, they have nothing to which to refer.

Although funding for adoption services is limited in Maryland, certain portions of available funds were not spent in the past because parents were not informed that they were available. This booklet would ensure that this does not happen again.

RECOMMENDATION 51 **As part of DHMH's children and youth initiative, mental health services should be targeted to special needs foster care children and adopted children. Of particular concern is the need for respite care, mental health services, and intensive family services. Since medical assistance is not effective in paying for the health care needs of these children, alternative programs or subsidies must be developed.**

DISCUSSION Parents of special needs adoptive children and local department of social services staff testified to the extreme difficulty in obtaining mental health services.

Even more disturbing, are reports heard by the Task Force that Maryland's Medical Assistance program will not pay for long-term psychiatric hospitalization for children. The amounts paid by medical assistance to mental health professionals in Maryland are so low that most professionals refuse to accept patients whose only means of payment is through the medical assistance plan. Prior to adoption, the child is not eligible to use the family's insurance and is completely dependent on medical assistance payments.

While counties do run public mental health clinics and clinics for victims of sexual abuse, a child is not always eligible to use the one in the county in which he resides. Additionally, there may be a wait to be admitted to a clinic.

Parents who adopt mentally handicapped youngsters are in need of respite care. Although parents of physically handicapped youngsters qualify for respite-care services from specially trained caregivers, adoptive parents of emotionally damaged youngsters need that same "off-duty" time, but this service is not provided for mentally handicapped youngsters.

Families who adopt special needs children in Maryland, who are eligible only for medical assistance, face medical payments that are almost insurmountable. Maryland even charges for the necessary code book to use in reimbursement requests. We urge that copies of the code book be made available on a yearly basis, free, to health care providers who request them. We also urge the state to expedite a plan of repayment for a child's medical services to out-of-state families who adopt Maryland's special needs children.

The need to provide specialized, intensive, long-term psychological services for these children is critical. The problem is complex. Sexual abuse has only begun to be openly discussed in American society and professionals with expertise, and the willingness to work with this particular problem, are few. It is imperative that master lists of these professionals, as well as adoptive families who have previously worked with them and who are willing to discuss their experience, be furnished to all adoptive parents of children past infancy.

Professional groups and associations of mental health professionals in Maryland need to begin requesting their members to furnish a certain amount of free service to families. Associations need to maintain master lists of willing professional volunteers. Professional mental health groups within the state need to sponsor local seminars geared to helping their members become aware of adoption-related issues.

Local county sexual abuse clinics must broaden their eligibility. No child should be denied the services of a clinic. Other criteria, such as when, where, or how the

sexual abuse took place, should not determine eligibility for service. The Task Force appeals to all church denominations, most of whom maintain counseling services staffed with trained counselors, to provide free counseling services to special needs adoptive children residing with members of their denomination.

It should be noted that the need for adequate counseling will continue to escalate. If present trends continue, within the next decade a large percentage of Maryland's population will have medical insurance through HMO plans. Prepaid counseling services will be available to families only through mental health professionals connected with these plans. Most likely, it will be limited coverage. We strongly urge yearly training sessions for HMO professionals, who will probably not be familiar with adoption-related issues, to be jointly sponsored by professional associations, the University of Maryland School of Social Work and the Department of Human Resources.

Private insurers need to be informed of the difficulties adoptive families face in paying for their child's mental hospitalizations and counseling fees. We suggest a series of meetings between the State Insurance Commission, private insurance officials, and Maryland's Adoption program manager to inform the insurance companies of the special difficulties of adoptive families.

RECOMMENDATION 52 **Special education services for special needs children.**

A. **Encourage Maryland's Interstate Compact Coordination System to require that all out-of-state children, age five and older, entering the state be accompanied by written Individual Educational Plans (I.E.P.).**

B. **I.E.Ps written by the previous jurisdiction should be accepted by the new school district, preventing unnecessary delays or disruptions in the child's learning process.**

C. **Adoption staff should ensure that parents, at the point of placement, receive the child's I.E.P.**

D. **For foster children placed in legal risk placements, there must be clarification as to who has the authority to**

make special education decisions and consent to services.

E. **Local departments of education must develop school programs within the state to meet the needs of emotionally disturbed children.**

Discussion Adoptive parents testified about the significant obstacles they encountered in their attempts to access special education services. Specifically, some of these obstacles are:

- When a child crosses county or state lines for adoption or legal risk placement, the I.E.P. written by previous jurisdictions is often ignored by the new school district.
- Copies of I.E.P.'s are not made immediately available to the new family before, and sometimes after, placement.
- There is a "gray area" in knowing who has authority to request an I.E.P. on a legal risk child.
- There is a serious lack of appropriate educational settings for emotionally disturbed children who neither fit into regular classrooms nor into a Level V or VI placement.
- It is suggested that some school systems, in the name of economy, deliberately deny seriously emotionally disturbed children a Level V or VI placement, keeping them in regular classroom settings, despite written reports from private professionals.
- There is a lack of understanding in the educational system of the needs of adoptive and foster children.
- There is a need for both social workers and families to have access to information on resources for disabled children.
- Insufficient understanding of the impact of experiences on "system children" results in misdiagnosis and inappropriate treatment in education as well as health.

Recommendation 53 State and federal regulations must be clarified or modified, as appropriate, to exclude adoption subsidy payments (IRS excludes this as income) in rent calculations for subsidized housing and the Section 8 program.

Discussion Many of the families who adopt children with special needs are among the marginally poor. They may reside in public or Section 8 housing. Often, they have a long-standing relationship with the child which predates the adoption. The child, in fact, may have lived with them for several years as a foster child.

The foster care board payments made to a family in public housing or Section 8 housing are not considered income and do not affect the amount of rent they are assessed. However, when they adopt that child and receive an adoption subsidy for his care and support, that subsidy is considered income and can result in their being forced to pay higher rent. The Department of Housing and Urban Development has failed to clarify its position on this matter.

Recommendation 54 Federal AFDC eligibility guidelines should be amended to exclude adoption subsidy payments in income calculations for families applying for or receiving AFDC.

Discussion Recent changes in AFDC eligibility rules may result in subsidy payments being considered as income, thereby reducing the amount of assistance a family can receive or, worse, rendering them ineligible for any aid. Under former rules, a child for whom a subsidy was being received was excluded from the "assistance unit" (the family members for whom an AFDC grant is paid) in determining the family's need and calculating their grant. Such an exclusion may no longer be possible as the advent of the "mandatory filing unit" requirement dictates that every household family member, "by blood or adoption", must be considered, along with any resources available to him or her.

Because subsidy payments are based on foster care board rates, which are significantly higher than the AFDC allowance per child, a family receiving subsidy on behalf of adopted children may be ineligible for AFDC. The mandatory filing unit requirement has the effect, therefore, of a financial disincentive to the adoption of Maryland's special needs children, particularly by relatives and foster parents.

APPENDIX I
History of the Task Force

In October, 1985 Governor Harry Hughes appointed the Task Force to Study Adoption Procedures to assess the current status of adoption services in Maryland. The Task Force was to focus on identifying barriers to effective adoption services, especially for children committed to the state. The Task Force was directed to recommend appropriate changes in law, policy, services, and procedures, especially for children who require permanent adoptive homes and are not able to secure them.

The members of the Task Force to Study Adoption Procedures were:

Susan P. Leviton, attorney, Chairperson
The Honorable Barbara A. Hoffman, Maryland State Senate
The Honorable Jerry M. Hyatt, Maryland House of Delegates
The Honorable Clarence M. Mitchell, III, Maryland State Senate
The Honorable Jerry Perry, Maryland House of Delegates
John L. Bovaird, Associated Catholic Charities
William A. Bryant, Jr., M.D., pediatrician, adoptive parent
Edward L. Clapp, adoptive parent
Daniel M. Clements, adoptive parent, RESOLVE
Joy Duva, Department of Human Resources, Social Services Administration, director, Office of Child Welfare
Sylvia Hackett, Baltimore County Circuit Court
Florence Henderson, Adoptions chief, Baltimore City Department of Social Services
Barbara Holtan, adoptive parent
Elizabeth A. Kavanagh, Family and Children's Services of Central Maryland
David A. Kinne, adoptive parent, FACE
Barbara Lumpkins, adoptive parent
Deanna L. Phelps, Prince George's County DSS
Lexine Pusey, Somerset County DSS
Gerri Robinson, adoptive parent
Alice Pearson Williams, administrator, Foster Care Review Board

The Task Force met for the first time on November 13, 1985. The Task Force submitted a preliminary report to the Governor on December 15, 1985 that outlined several major topics to be considered, including:

- What are the barriers in the legal system to freeing children for adoption?
- What are the barriers in the local departments of social services and in the state that prevent children from being freed and placed for adoption?
- What are the approaches Maryland can use to place special needs children?

Subcommittees were established to study each of these three topics. The Task Force invited interested members of the public and persons from public and private agencies to participate in the work of the subcommittees. The Task Force also invited representatives from state and local agencies to discuss what they perceive to be the barriers to freeing children for adoption. In addition, the subcommittees held public hearings to allow members of the community an opportunity to be heard on these issues.

During the time the Task Force was meeting, the Court of Appeals of Maryland Standing Committee on Rules of Practice and Procedure proposed amendments to the Court Rules which would affect adoption proceedings. (Rules 2-541 and the Subtitle D Rules, Adoption & Related Proceedings.) In January 1986, a subcommittee of the Task Force, headed by Daniel Clements, met with Judge Wilner, head of the Rules Committee, to discuss two general areas of concern in the proposed D Rules: hearings being required in all Termination of Parents Rights (TPR) cases where both parents have not provided written consent; and the requirement that persons being adopted be appointed counsel, whether or not the case is actively contested. The concern of the Task Force was that the proposed rules would delay agency and non-

agency adoptions for at least a year. Judge Wilner acknowledged the problem and brought it to the attention of the Court of Appeals which agreed with the recommendations of the Task Force.

The Subcommittee on Legal Barriers was chaired by Daniel Clements. The members of the subcommittee were: Sylvia Hackett, David Kinne, and Deanna Phelps. The Subcommittee on Legal Barriers held two public hearings, the first on April 9, 1986, at the University of Maryland School of Law in Baltimore, and the second on April 30, 1986 at the University of Maryland, College Park. The primary focus of the hearings was to receive testimony on the perceived obstacles in the legal system affecting children who are waiting in foster care to be freed for adoption. Prior to the hearing, over 150 letters were mailed inviting people to attend. Individuals testifying and submitting written comments included: an attorney for the Baltimore City DSS; the adoption coordinator for Talbot County; a staff attorney for the Disability Law Center; a member of FACE; attorneys from the Legal Aid Bureau in Montgomery County and Prince George's County; representatives from the local departments of social services in Cecil, Calvert, Howard, Somerset, Kent, Worcester, and Harford counties; the staff clinician of the Tri-County Youth Services Bureau; and several adoptive parents. The Subcommittee on Legal Barriers also held a public hearing on August 19, 1986 on independent adoption at the Howard County Central Library, Columbia.

The Subcommittee on Barriers in State and Local Departments of Social Services was chaired by Elizabeth Kavanagh. The members of the subcommittee were: Fern Blake, John Bovaird, William Bryant, Joy Duva, Florence Henderson, Barbara Holtan, Pat Latkovski and Alice Williams. This subcommittee was charged with studying barriers to adoption services for children who are in the public sector child welfare system. In order to more fully understand these barriers, the subcommittee interviewed the following persons: training personnel employed by the state to provide ongoing education in child welfare techniques to staff in local departments of social services; line staff in the areas of protective services, services to families, foster care, and adoption from local departments of social services; the executive director and administrative staff of one local department of social services; and line staff in adoption from two private agencies. In addition, a law student assigned as staff to the subcommittee reported on the state's efforts to recover federal funds for certain adoption services. The subcommittee also benefited from the experience of members who were associated with the state administration of the child welfare system, local departments of social services, private agencies, the foster care review boards, an adoptive parent group, and individuals interested in the welfare of children.

The Subcommittee on Barriers to Adoption of Special Needs Children was chaired by Gerri Robinson. The members of the subcommittee were: David Brainerd, Mildred Gee, Ellen Hyers, Lillian Lansberry, Barbara Lumpkins, Lexine Pusey, and Patricia Shirley. This subcommittee held two public hearings focusing on the perceived obstacles to adoption of children with special needs. The hearings were held on June 4 and June 18, 1986 at the Howard County Central Library, Columbia. The subcommittee heard testimony from several families who had adopted children with special needs, as well as several local DSS adoptions staff, and two foster care review board members.

The subcommittee also explored the possibility of purchasing services. A questionnaire was sent to all licensed adoption agencies in Maryland to gather information about:

- their interest in purchase-of-services with respect to special needs adoption;
- any previous experience with purchase-of-service in foster care or adoption;
- if no longer providing service to special needs children in either adoption or foster care, the reasons for discontinuing the program;
- prerequisites that must exist to bring about contracting; and
- fiscal issues.

The subcommittee also reviewed the District of Columbia's purchase-of-services arrangement with a child welfare consortium of private social service agencies.

Since special needs children are impacted by several systems, the subcommittee sought input from these various systems. Specialists from Maryland's Developmental Disabilities Council and the Board of Education's special education system addressed the group. Changes in guidelines for income verification for public housing were reviewed because they impact negatively on some special needs adoptive families.

Public and private adoption agencies were queried about philosophy and implementation of transracial adoptions to ascertain if minority children were denied an avenue to exit the child welfare system. Data was gathered on the number of children legally free and awaiting placement to get a clear picture of those children without an identified placement and their characteristics. This data was gathered from the foster care review boards based on reviews held between March and August, 1986 in Baltimore City and the Metropolitan counties.

The subcommittee produced a report and an adoption counseling resource list which may be obtained by contacting Gerri Robinson, chair of the subcommittee.

APPENDIX II

Children Free for Adoption (Agency Holds Guardianship) Planned Permanent Living Arrangement Indefinite by Age, Race, and Type of DSS

BALTIMORE CITY

Age	Black	White	Other	Total
<2	0	2	1 (b/w)	3
2–4	8	2	0	10
5–11	32	7	1	40
12–17	9	4	0	13
>18	0	0	0	0
Total	49	15	2	66

METRO COUNTIES

Age	Black	White	Other	Unknown	Total
<2	10	1	0	0	11
2–4	2	3	0	0	5
5–11	12	11	0	1	24
12–17	9	16	3	0	28
>18	0	0	0	0	0
Total	33	31	3	1	68

OVERALL RACE DISTRIBUTION OF CHILDREN ABOVE

#	Race	%
82	Black	61%
46	White	34%
5	Other	4%
1	Unknown	1%
134		

OVERALL RACE DISTRIBUTION OF CHILDREN IN FOSTER CARE

Black	–	58%
White	–	40%
Other	–	2%

Data Source: Foster Care Review Board reviews held March 1986 to August 1986.

APPENDIX III
Worker Allocations for Fiscal Year 1987

	Adoption Staff
Allegany	.5
Anne Arundel	2.5
Baltimore	3
Calvert	.5
Caroline	.5
Caroll	1.5*
Cecil	1.5*
Charles	1
Dorchester	.5
Frederick	.5
Garrett	.5
Harford	1
Howard	1
Kent	.5
Montgomery	3.5
Prince George's	6.5
Queen Anne's	.5
St. Mary's	.5
Somerset	1.5*
Talbot	.5
Washington	.5
Wicomico	.5
Worcester	.5
TOTAL COUNTIES	29.5
BALTIMORE CITY	19
STATE TOTAL	48.5

*Includes regional adoption position

APPENDIX IV
Purchase of Service Survey Summary

- Maryland's private child placement agencies placed a total of 26 special needs children last year. When the number of black infants without special needs, infants placed internationally without special needs, and white children under age five without special needs, are subtracted from the total number of placements, the number of special needs placements drops to 12. Data was not sought on state of origin of children placed, hence all placements may not be of Maryland children.
- Ten single parent placements were made. None of these placements was with a single male.
- Generally private agencies have no designated recruitment staff.

Post-Legalization Services

- For the most part, the private sector does not offer a formalized service. Referrals are made to existing adoptive parent support groups and community resources.

Fiscal Impacts

- Respondents emphasized the need for any purchase-of-service program to cover the actual placement costs as well as adequate staffing funded at a competitive level.

Maryland Agencies	Associated Catholic Charities		Family and Children Services	Board of Child Care	Bethany Christian Services	TOTALS	
	Infant SPS	International Child Services					
1. # of placements in the past year	39	196	49*	7	23	314	* includes 4 from (Room for One More)
# of U.S. Special Needs	(16)	(–)	(6)*	(2)	(2)	26	* includes 4 from (Room for One More)
# of Black Special Needs	(13)*	(1)	(19)	(1)	(5)	39	
# of Healthy Infants	(37)	(18 older healthy children) (166)	(37)*	(5)	(21)	266	** includes Independent Adoptions
# of International	0	12	6	0	0	18	
2. Program Focus Infants	X	X	X	X	X		
Special Needs		X	X				
Foreign		X					
Domestic	X		X		X		
3. # of staff Special Needs Experience	(FTE) 3	(FTE) 6	(FTE) 6	1	3		
Recruitment Staff	0	0	1.6		0		
4. Description of Families 2 Parent	38	196	21	7	23		
1 Parent	(1)	(4)	8	0	0		
1 Male	(0)	(0)	0	0	0		
5. Socio-economic Status	Middle Class	Middle Class	Moderate Middle	Middle Class	Middle Class		

District of Columbia Agencies	Lutheran Social Services		Peirce Warwick	Homes for Black Children	TOTALS	
	Infant SPS	District Gov. POC				
1. # of placements in the past year	33	10	10		53	
# of U.S. Special Needs	(11)	(10)	(10)		(31)	
# of Black Special Needs	(15)	(0)	(0)		(15)	
# of Healthy Infants	(26)	(0)	(0)		(26)	
# of International	(9)	(0)	(0)		(9)	
2. Program Focus Infants	X					
Special Needs	X	X	X			
Foreign	X					
Domestic	X					
3. # of staff Special Needs Experience	3	1.5 FTE	3			
Recruitment Staff	0	1	0			
4. Description of Families 2 Parent	32	11	8			
1 Parent	5	8	2			
1 Male	0	0	0			
5. Socio-economic Status	Middle Class	Working Class	Low to Moderate Income			

APPENDIX V
Executive Summary

Children need to belong to a permanent family. The longer a child is left adrift in foster care, the more likely that child is going to be emotionally damaged.

Despite this, for many children in foster care, the right to a permanent family has not been realized. In the 1970's, over a half-million children nationally lived in foster homes as wards of the state. Fifty to eighty percent of these children were thought to be "drifting." They had little or no contact with their birth families and no plans for eventual return home or for permanent placement outside their homes. Many had been shifted from home to home with no opportunity to develop lasting relationships with their "temporary" families.

Because of the numbers of children who were not achieving permanency, federal and state laws and policy now mandate that foster care be a supportive short-term service with the goal that all children have a permanent family by the end of two years. The first preference is return to the birth family. However, for some children, even with intensive services to their families, return home is not a possibility. For these children, home with a relative or an adoptive family is to be pursued.

Although this is the policy of Maryland, it is not always the reality. At the present time, there are approximately 5,300 children in the Department of Human Resources foster care program. About 3,200 of those children have been in foster care for more than two years. Once a child enters the Maryland foster care system, it takes an average of 5.1 years for that child to be adopted. *For children with a plan of adoption, the progress toward achieving that goal is clearly all too slow.*

Adoption today is a service *for children*. As a result of the dramatic decrease in the number of healthy infants and toddlers available for adoption, the overwhelming majority of children currently receiving adoption services have very special needs. Services needed include recruitment and assessment of adoptive families, study and evaluation of children and their needs, preparation of children and families for adoptive placement, pre- and post-placement services, and post-finalization services to the adoptive families.

With the increased emphasis on providing a family through adoption for any foster child who cannot be reunited with a birth family, the scope of responsibilities and skills required of adoption staff have become increasingly demanding. Active recruitment and the development and preparation of adoptive families with the desire and potential of meeting the needs of waiting children is now a major portion of their jobs, yet there are no designated recruitment staff in the state. In addition, the severe and demanding special needs of the majority of children being placed for adoption today present such a challenge to their adoptive families that intensive agency and community supportive services must be available to them on an ongoing basis if these placements are to succeed.

There are only 48.5 line staff in local departments of social services to provide all of these services. As a result, recruitment, when it is done, is done on their own time by staff who are carrying full caseloads. Recruited families must often wait longer than anyone would desire for home study services. The preparation of children takes longer than it should. Staff are not able to be as available as they would like to be to assist families in negotiating and accessing community programs for post-adoption services nor are they able to provide those services themselves. *The demands of the program and the needs of the families and children it serves have clearly outgrown the available staff resources.*

In recent years, the state has launched major initiatives to improve the conditions under which Maryland's children mature. While many of these initiatives are responsible for great progress toward protecting the physical, mental, and emotional health of our children, there is much that remains to be done. One area which requires further attention is the provision of stable home

environments through adoption for those children in the foster care system whose birth parents cannot resume parenting responsibilities. In response to this need, the Task Force to Study Adoption Procedures was established to review and assess the current status of adoption services in Maryland with emphasis on the identification of impediments to effective adoption services, especially for children for whom the state has custody.

The Task Force met over a year-long period, focusing its attention on the extensive delays in implementing an adoption plan for a child, as well as the legal, management, practice, and resource issues which may be contributing to that delay. The Task Force divided into three working subcommittees, charged with studying the following topics:

- What are the barriers in the legal system to freeing children for adoption?
- What are the barriers in the local departments of social services and in the states that prevent children from being freed and placed for adoption?
- What are the approaches Maryland can use to place special needs children?

As part of this study, public hearings were held, written testimony was invited, national adoption literature as well as state regulations, policy, and statistics were reviewed, and child welfare staff and administrators from public and private child placement agencies were interviewed, resulting in the following recommendations:

Recommendation 1* Section 5-313(c) of the Family Law Section of the Annotated Code be amended to include part (6) which would state: *ALL SERVICES OFFERED TO THE NATURAL PARENT PRIOR TO THE PLACEMENT OF THE CHILD WHETHER BY THE AGENCY TO WHICH THE CHILD IS COMMITTED OR BY OTHER AGENCIES OR PROFESSIONALS . . . .*

Recommendation 2* Sections 5-313(d) of the Family Law Section of the Annotated Code be amended to include part (3) which would state: *THE COURT SHALL CONSIDER THE EVIDENCE PRESENTED UNDER SUBSECTION (D) REGARDING CONTINUING SERIOUS CONDITIONS OR ACTS AND MAY WAIVE THE AGENCY'S OBLIGATIONS UNDER SUBSECTION (C) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE BEST INTEREST OF THE CHILD.*

Recommendation 3* Section 5-313(c)(5)(iv) of the Family Law Section of the Annotated Code be amended to read: *whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the natural parents within an ascertainable time, BUT NOT TO EXCEED EIGHTEEN (18) MONTHS FROM THE TIME OF PLACEMENT, but the court may not consider whether the maintenance of the parent-child relationship may serve as an inducement for the natural parent's rehabilitation.*

Recommendation 4* Section 5-317(b) of the Family Law Section of the Annotated Code be amended to read: *Exclusive petitioners—only the executive head of a child placement agency OR THE ATTORNEY FOR THE CHILD may file a petition for the agency to be granted guardianship.*

Recommendation 5* Section 5-322(a)(1) of the Family Law Section of the Annotated Code be amended to read: *Subject to paragraph (2) of this subsection, a petition shall give each person whose consent is required, notice of the filing of a petition for adoption or a petition for guardianship. IF A PETITION FOR GUARDIANSHIP IS FILED FOLLOWING A PRIOR JUVENILE PROCEEDING IN WHICH THE CHILD HAS BEEN ADJUDICATED TO BE A CHILD IN NEED OF ASSISTANCE, A NEGLECTED CHILD, AN ABUSED CHILD, OR A DEPENDENT CHILD, NOTICE OF THE FILING SHALL ALSO BE GIVEN TO THE ATTORNEY WHO REPRESENTED THE NATURAL PARENT(S) IN THE PRIOR JUVENILE PROCEEDING.*

Recommendation 6* Section 5-322(c) of the Family Law Section of the Annotated Code be amended

* Recommendations 1 through 8 and Recommendation 10 were presented to the 1987 General Assembly, and all but Recommendation 10 were enacted into law.

to read: *If a person is notified under this section and fails to [intervene] FILE NOTICE OF OBJECTION within the time stated in the show cause [order] ORDER: (1) [the] THE court shall consider the [requirement of consent by that] person NOTIFIED TO HAVE CONSENTED to the adoption or to the [guardianship to be waived] GUARDIANSHIP; AND (2) THE PETITION SHALL BE TREATED AS ONE IN WHICH CONSENT HAS BEEN GRANTED.*

Recommendation 7* Section 5-312 of the Family Law Section of the Annotated Code be amended to read: *(a) Scope of Section.—(1) This section applies only to independent adoptions in which a natural parent AFFIRMATIVELY withholds consent BY FILING A NOTICE OF OBJECTION . . . . (b) In general.—Without the consent of the child's natural parent, a court may grant a decree of adoption to a stepparent, relative, or other individual who has exercised physical care, custody, or control of a child for at least [1 year] 6 MONTHS, if by clear and convincing evidence the court finds that: . . . . (2) the child has been out of the custody of the natural parent for at least [3 years] 1 YEAR.*

Recommendation 8* Legislation should be introduced to require all agencies holding commitment of a child to petition for Termination of Parents Rights within 120 days of the agency's determination that adoption is the plan for the child.

Recommendation 9 The Task Force recommends that the D rules be amended to state that "in independent non-relative adoptions the court-ordered investigations shall be conducted promptly upon the filing of a petition and concluded within the 90 days permitted for biological parents to revoke their consent."

Recommendation 10 Section 5-312(c) of the Family Law Section of the Annotated Code shall be removed from that section, placed in a new section entitled Section 5-320, and amended to read: *Visitation privileges.—After [the] AN adoption, if it is in the child's best interest, the adoptive parent and a [nonconsenting] natural parent may agree to visitation privileges between the child and the natural parent or siblings.*

Recommendation 11 The Social Services Administration must adopt guidelines by July 1, 1987 for social workers concerning when to change the permanancy plan from return home to adoption.

Recommendation 12 Time lines for each step of the adoption process must be established, not to exceed twelve months from the establishment of the plan of adoption to placement.

Recommendation 13 The foster care and adoption tracking system should be operational by July 1, 1987.

Recommendation 14 The Social Services Administration must develop and implement a plan to improve working conditions and salaries in order to attract staff with masters degrees in social work. The Department of Human Resources should provide work study programs to encourage professional training for current staff. The Social Services Administration should request enough child welfare staff to achieve caseloads of 1 to 15 for foster care and adoption staff.

Recommendation 15 The Department of Human Resources should require 35 hours annually of continuing education for all child welfare staff. For supervisors, this should include management training.

Recommendation 16 Accountability systems must be developed within local departments of social services to identify levels of responsibility as well as the means to measure staff compliance with policy and practice expectations, as defined in program manuals, regulations and statutes.

Recommendation 17 The Social Services Administration must provide uniform dictation guidelines for all child welfare services that will provide adequate details of the child's history and meet the legal requirements for termination of parental rights. These guidelines should be implemented by July 1, 1987.

Recommendation 18 The Social Services Administration should promote guidelines and policies supporting consistent and equitable

use of legal risk placements by agencies throughout the state. Further, the Social Service Administration should mandate training for local departments in the practice of legal risk placements in order that expertise in this area may be developed.

Recommendation 19 To lower the number of children entering foster care, and consequently needing adoption, the state should commit sufficient funds for every local department of social services to provide prevention services for families where children are deemed to be at risk of child abuse.

Recommendation 20 The Social Services Administration should continue the title IV-E eligibility unit to determine children's eligibility for federal funds under this program. In this way, SSA can ensure that service workers complete accurate and timely documentation of children's eligibility for IV-E funding.

Recommendation 21 The chief administrative judge should require training on child development and the impact on a child of the lack of a permanent family for those judges assigned to Termination of Parents' Rights cases.

Recommendation 22 The courts should be improved in order to provide adequate time for child welfare cases. The facilities of the court and the scheduling of cases should minimize the anxiety of children who must appear in court.

Recommendation 23 Local departments of social services and the local court should combine their efforts to streamline procedures to locate absent parents.

Recommendation 24 Agencies must designate sufficient resources and staff to process applications for adoption in a prompt and sensitive manner.

Recommendation 25 Standards should be the same for approval of both foster homes and adoptive homes. However, adoptive parents should be exempt from foster parent training requirements, unless they are accepting a risk placement. When a child has been in their home for a number of years, foster parents should be given first consideration for adoptive placement, because of the inevitable bonding of children with foster families.

Recommendation 26 Coordination between workers, units, and agencies must be developed through the clear definition of responsibility for all aspects of casework, permanency planning, transfer of cases, adoption preparation, and family resource selection.

Recommendation 27 Any decision regarding the child's placement or permanency plan must involve the worker for the child or his/her supervisor as a representative of the agency.

Recommendation 28 State department of personnel and social work licensing policies and practices must be changed to facilitate the prompt hiring of qualified personnel or the dismissal of incompetent personnel.

Recommendation 29 Formulas for the allocation of staff and other resources should be evaluated and updated every two years.

Recommendation 30 There must be adequate attorney time available to local departments of social services. Legal counsel should be employed by the local departments of social services.

Recommendation 31 Legislation should be introduced to provide a double personal exemption for families who adopt special needs children.

Recommendation 32 By March 1, 1987, SSA should develop and computerize a statewide system to identify the number and characteristics of all waiting children. This system should be capable of generating statistical data, child profiles, etc. to support the recruitment of families.

Recommendation 33 SSA should obtain the services of a public relations firm to address the "packaging" of these children.

Recommendation 34 Increase local regional recruitment adoption staff from three to eight positions. Expansion of regional positions to Southern Maryland, Dorchester County, and the large departments would produce more families for waiting children. In addition, the creation of an SSA position for

statewide recruitment, information and referral, technical assistance, and consultation to local recruitment staff, as well as the coordination of the *One Church, One Child* campaign is recommended. An additional 14 staff workers are needed at the local level to provide direct adoption services to children and prospective adoptive families.

Recommendation 35 SSA should offer enrichment opportunities to foster care and adoption staff, including workshops and seminars in which special needs adoption is discussed. In addition, state-sponsored training for both public and private agency staff should be offered concerning the philosophy of adoption.

Recommendation 36 SSA should provide more sessions on Afro-American culture training to public and private agencies in order to encourage the recruitment and retention of black foster care and adoptive families.

Recommendation 37 The MARE coordinator should recommend to the national resource exchanges that they work together to devise a uniform referral procedure and a universal registration form.

Recommendation 38 The MARE coordinator should mail registration forms to National Exchange, Children Awaiting Placement (CAP) and Aid to Adoption of Special Needs Kids (AASK) for any child who is legally free and for whom the coordinator cannot make family referrals immediately.

Recommendation 39 The MARE coordinator should be aware of rapidly developing national resources and of the changes in the national exchanges and should inform the local department of changes monthly, via a newsletter and/or MARE listings.

Recommendation 40 SSA should fund the purchase of services from agencies with expertise in special needs adoption in order to recruit families who will adopt special needs children, do home studies, and provide post-placement/post-finalization services.

Recommendation 41 SSA should clarify the role that private and public agencies should play in cooperative efforts for the placement of special needs children.

Recommendation 42 SSA should fund a pilot program to demonstrate alternative models for purchasing adoptiion services from private agencies both prior to guardianship and post-guardianship.

Recommendation 43 SSA should fund a special recruitment project targeted toward recruitment of black families and the placement of black children.

D. Transracial Adoptions

Recommendation 44 The Task Force supports the Social Services Administration's child placement policy as it relates to transracial adoptions.

Recommendation 45 The Task Force encourages and fully supports all efforts to recruit same race resources, e.g., *Black Adoption Recruitment Network* (BARN) and *One Church, One Child.* These programs need to be adequately funded and staffed.

Recommendation 46 Recruitment of black foster homes must be supported by adequate staff, budget, and administrative support.

Recommendation 47 The Task Force strongly encourages the full utilization of MARE via mandatory registration of children and families in accordance with adoption program guidelines.

Recommendation 48 SSA should contract with an agency or agencies for a central clearinghouse to provide information, legal services, and advocacy for families of special needs adoptive children. This effort should include:

- an appeal to church denominations who maintain specialized counseling services to provide free counseling services on an ongoing basis to special needs adopters; and
- development of an active program to identify special needs families in order to increase networking and support group formation.

Recommendation 49 SSA should give a standard packet of information to all adopting families, describing post-legalization services, including subsidy. It should also include a counseling resource list, which would be periodically updated.

Recommendation 50 The Department of Health and Mental Hygiene (DHMH) should clarify medical assistance guidelines to DSS staff so they can give accurate information concerning medical benefits for special needs children to prospective adoptive families.

Recommendation 51 As part of DHMH's children and youth initiative, mental health services should be targeted to special needs foster care children and adopted children. Of particular concern is the need for respite care, mental health services, and intensive family services. Since medical assistance is not effective in paying for the health care needs of these children, alternative programs or subsidies must be developed.

Recommendation 52 Special education services for special needs children.

A. Encourage Maryland's Interstate Compact Coordination System to require that all out-of-state children, age five and older, entering the state be accompanied by written Individual Educational Plans (I.E.P.)

B. I.E.Ps written by the previous jurisdiction should be accepted by the new school district, preventing unnecessary delays or disruptions in the child's learning process.

C. Adoption staff should ensure that parents, at the point of placement, receive the child's I.E.P.

D. For foster children placed in legal risk placements, there must be clarification as to who has the authority to make special education decisions and consent to services.

E. Local departments of education must develop school programs within the state to meet the needs of emotionally disturbed children.

Recommendation 53 State and federal regulations must be clarified or modified, as appropriate, to exclude adoption subsidy payments (IRS excludes this as income) in rent calculations for subsidized housing and the Section 8 program.

Recommendation 54 Federal AFDC eligibility guidelines should be amended to exclude adoption subsidy payments in income calculations for families applying for or receiving AFDC.